THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.764 of 2007

25.1.2007

Between:

K.Lalitha, W/o.K.Chandra Babu
And others

… Petitioners

AND

The Mandal Revenue Officer, Renigunta Mandal, Chittoor District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.764 of 2007

ORDER:

The petitioners, who are eleven in number, were assigned house sites admeasuring Acs.0.02 cents each in survey No.275 situated at Kurrakalva village, Jeepalem Gram Panchayat of Renigunta Mandal in Chittoor District. The assignments were made allegedly on 18.2.1997. Thereafter, the petitioners took possession of the land in 2004 and constructed thatched houses. It is their case that they are regularly paying property tax to the Gram Panchayat and electricity bills to the Southern Power Distribution Company Limited (SPDCL), Tirupathi. Their grievance is that when they undertook repairs of thatched houses, which were damaged in the cycline, the subordinate officials of the first respondent are making attempts to restrain the petitioners from reconstructing thatched houses and also threatened to dispossess the petitioners. Therefore, they filed the instant writ petition seeking a direction to the respondents not to evict the petitioners.

This Court while ordering notice before admission on 11.1.2007, ordered *status quo* directing the learned Assistant Government Pleader for Revenue (Assignment) to file counter affidavit.

Today though counter affidavit is not filed, learned Assistant Government pleader submits that the petitioners did not occupy the lands in spite of assignment. Therefore, in January 2003, the land in survey No.275 was allotted to as many as 73 landless poor persons. He denies all other allegations made in the writ affidavit.

Heard learned Counsel for the petitioners and learned Assistant Government Pleader.

The petitioners have placed before this Court Xerox copies of house tax receipts and electricity bills issued by SPDCL, in support of

their contention that they are still in possession of the property. These documents *prima facie* support the case of the petitioners that they raised thatched houses and obtained electricity connections. Therefore, this Court is of considered opinion that if the petitioners already raised constructions and in possession, they cannot be evicted forcibly without notice to them. Further, admittedly the assignment made in favour of the petitioners has not been cancelled so far. Therefore, without due process of law, no coercive steps can be taken against them.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

January 25, 2007.
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